

LISA A. FREY (NJ State Bar #: 033731983)  
[lisa@mertzel-law.com](mailto:lisa@mertzel-law.com)  
MERTZEL LAW PLLC  
1204 Broadway, 4th Floor  
New York, NY 10001  
Tel: 646-965-6900 x 5

Attorneys for Defendant,  
DBEST PRODUCTS, INC.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ECR4KIDS, L.P.,

Plaintiff,

v.

DBEST PRODUCTS, INC.

Defendant.

CIVIL ACTION NO. 23-2675-MCA-LDW

Hon. Madeline Cox Arleo, U.S.D.J.

Hon. Leda. D. Wettre, U.S.M.J.

**NOTICE OF MOTION TO DISMISS**

TO: COUNSEL OF RECORD

PLEASE TAKE NOTICE that defendant dbest products, Inc. (“dbest”) will move before the Honorable Madeline Cox Arleo, U.S.D.J. on November 20, 2023, or on a subsequent date to be set by the Court, for an Order dismissing the First Amended Complaint in this action, pursuant to Fed. R. Civ. P. 12(b)(1) due to lack of subject matter jurisdiction, 12(b)(2) due to lack of personal jurisdiction, 12(b)(3) due to improper venue, and 12(b)(6) due to failure to state a claim upon which relief could be granted.

In support of the motion, dbest relies on the Declaration of Ehab M. Samuel with exhibit and Brief.

Dated: October 25, 2023

Respectfully submitted,

/s/ Lisa A. Frey  
Lisa A. Frey

LISA A. FREY (NJ State Bar #: 19-20931)  
[lisa@mertzel-law.com](mailto:lisa@mertzel-law.com)  
MERTZEL LAW PLLC  
1204 Broadway, 4th Floor  
New York, NY 10001  
Tel: 646-965-6900 x 5

Attorneys for Defendant,  
DBEST PRODUCTS, INC.

**DECLARATION OF SERVICE**

I, Nancy J. Mertzel, declare that the foregoing Notice of Motion and supporting documents were electronically filed via CM/ECF, with copies being electronically serviced on all counsel of record.

Executed under penalty of perjury this 25<sup>th</sup> day of October 2023.

By: /s/ Nancy J. Mertzel  
Nancy J. Mertzel, Esq.  
MERTZEL LAW PLLC